MOTION FILED
OCT 30 [redacted]

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No. 85-660

In The
Supreme Court of the United States
October Term, 1985

o

THE STATE OF COLORADO,
Petitioner,
vs.
FRANCIS BARRY CONNELLY,
Respondent,

o

On Writ Of Certiorari To The Colorado Supreme Court

o

MOTION FOR LEAVE TO FILE BRIEF OF AMICI CURIAE IN SUPPORT OF THE PETITION FOR WRIT OF CERTIORARI TO THE COLORADO SUPREME COURT

o

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The Colorado Attorney General and the states and territories of Alabama, Alaska, California, Connecticut, Delaware, Guam, Idaho, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Minnesota, Missouri, Montana, New Hampshire, North Carolina, North Dakota, Oklahoma, Oregon, Virgin Islands, Virginia, Washington, and Wyoming, sponsored by their respective attorneys general, and the Colorado District Attorneys Council move for leave to file a brief in support of the petition for writ of certiorari for the following reasons:

1. Pursuant to Rule 36.4 of the Rules of the Supreme Court of the United States, consent to file an amicus brief need not be had when the brief is presented for a state sponsored by its attorney general. The Office of the Clerk of the Supreme Court of the United States indicates that either consent or motion is required in this case because the Colorado Attorney General may not be considered the state sponsor where the state appears as a party in the caption and because one of the amici, the Colorado District Attorneys Council, is not within the provisions of Rule 36.4.

2. The amici have the consent of the petitioner Denver District Attorney, but the respondent through his counsel, the Colorado State Public Defender, refuses his consent.

3. The amici curiae have a substantial interest in seeing this holding reviewed because they are all officers or organizations of officers with law enforcement responsibilities in their respective jurisdictions. The holding of the Colorado court purports to construe the prior holdings of this court and the fifth and fourteenth amendments of the United States Constitution, which are binding law on all of the amici curiae.

4. The brief of the amici curiae sets forth the questions of law raised by the Colorado Supreme Court opinion in a broader context than presented by the petitioner. More specifically, the amicus brief presents for review the Colorado court's finding of fifth amendment, as well as fourteenth amendment, violations in using the defendant's confessions, and it addresses the relationship between the two constitutional standards.

Wherefor, the amici curiae move for leave to file a brief in support of the petition for writ of certiorari.

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